IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.341 of 2007
DR.ALOK KUMAR SINHA
Versus
THE STATE OF BIHAR & ORS

06/ 01-07-2008 Heard the petitioner in person, learned J.C. to G.A. 7 and learned counsel for respondent no. 6.

The petitioner is an advocate of this Court. He filed Kotwali P.S. Case No. 64 of 2007 dated 16.2.2007 with the allegation that the accused persons committed theft of his law books, furniture etc. and also put lock in the chamber. It appears that the Police after investigation submitted charge sheet only under Section 448 of the Indian Penal Code. The Police disbelieved the allegation of theft.

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Learned counsel submitted that against the Police investigation he has filed a protest petition which is still pending before the court of Judicial Magistrate, Patna for consideration. He further submitted that he has been forcibly ousted from his official chamber. He submitted that the Opposite Party may be asked to vacate the premises in question and also to return the law books and furniture.

The alleged occurrence took place on 15.2.2007. It is admitted position that after the alleged occurrence the petitioner-informant did not take any legal step for restoration of possession. During the police investigation the allegation of theft has been disbelieved. A protest petition is still pending for consideration.

It is true that in Cr.W.J.C. No. 225 of 1998 vide Annexure-12 to the application this Court directed the Opposite Party

to do the needful for restoring the normal possession in respect of law books and other belongings of the petitioner of that case.

In the present case the principle laid down in the above case has no application.

Such being the position, at this stage, this Court finds no merit in the writ application. It is accordingly dismissed. The petitioner, however, is directed to take other recourses available in law against the Opposite party.

S.Sb/- **(Madhavendra Saran, J.)**

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